

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for)	
Individuals with Hearing and Speech Disabilities)	
)	
Petition for Reconsideration and)	WC Docket No. 05-196
Clarification of Paragraphs 60 & 61 of the)	
FCC Report and Order on Ten-Digit Numbering;)	
47 C.F.R. §64.611(c)(1)&(2))	
_____)	

**COMMENTS OF
NATIONAL ASSOCIATION OF THE DEAF;
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.;
ASSOCIATION OF LATE-DEAFENED ADULTS, INC.;
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK;
CALIFORNIA COALITION OF AGENCIES SERVING
THE DEAF AND HARD OF HEARING; AND
HEARING LOSS ASSOCIATION OF AMERICA
TO PETITION FOR RECONSIDERATION**

The National Association of the Deaf (“NAD”), Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Association of Late-Deafened Adults, Inc. (“ALDA”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”) and Hearing Loss Association of America (“HLAA”) (collectively, the “Consumer Groups”), hereby respectfully submit these comments in response to the Petition for Reconsideration and Clarification filed in the above-referenced

proceeding by CSDVRS, LLC, GoAmerica, Inc., Viable, Inc., and Snap Telecommunications, Inc. (the “CSDVRS Petition”).¹

Introduction

On August 18, 2008, CSDVRS, LLC, GoAmerica, Inc., Viable, Inc., and Snap Telecommunications, Inc. (the “Petitioners”), filed a Petition for Reconsideration and Clarification of rules contained at 47 C.F.R. §64.611(c)(1) and (2), along with paragraphs 60 and 61 of the Commission’s June 2008 Report and Order on Ten-Digit Numbering (the “Numbering Order”).² Petitioners asked the Commission to reconsider the requirement that only the default VRS provider be allowed to update the central database with the appropriate routing information (the user’s current IP address which is matched to the user’s 10-digit NANP number) associated with video end user equipment (“videophones”).³

The problem is that videophones distributed by VRS providers are currently configured to provide updated routing information *only* to the VRS provider that distributed the videophone; not to any other VRS provider that the user might choose as his/her default VRS provider. Sorenson objected to the use of terminal adaptors/routers which would provide a consumer’s routing information to any default VRS provider.⁴ In response, CSDVRS urged the Commission to ensure that providers have flexibility in determining the best technical solutions for meeting the numbering directives.⁵ Consumer Groups also urged the Commission to allow all consumers and providers to do what needs to and can be done to ensure that routing information is directed to

¹ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Petition for Reconsideration and Clarification (Aug. 15, 2008).

² *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, Dkt. No. 03-123, FCC 08-151 (2008).

³ CSDVRS Petition at 4.

⁴ Comments of Sorenson, Inc., Docket Nos. 03-123 and 05-196, filed on August 8, 2008, at 6.

⁵ See Reply Comments of CSDVRS, LLC, Docket Nos. 03-123 and 05-196, filed on August 25, 2008, at 3-5.

the user's default provider, to maximize consumer choice of existing and future videophones, and to ensure functional equivalency.⁶ At the same time, Consumer Groups also urged the introduction of videophones that can be programmed for use with any VRS provider the consumer may choose as a default provider.⁷

Petitioners claim that "the only way for the FCC's order to be implemented as it is now written, would be for the device's original provider/distributor to re-program *every* single device that it has distributed to make it work with the network of every current and future VRS provider."⁸ Making all videophones work with any VRS provider "is a task that is daunting at best, and one that would be impossible to complete by the FCC's implementation date of December 31, 2008."⁹ Although Consumer Groups are concerned about the ability to achieve this result – making any videophone work with any VRS provider – by December 31, 2008, Consumer Groups seek to achieve that result as soon as possible.

Petitioners further claim that such a result "would inappropriately force providers to accept responsibility for video devices that they had no role in developing and which have no relationship with their own signaling platforms."¹⁰ There are many examples where the product of one entity is used to deliver service from another entity, such as wireline telephones and wireline phone services, wireless/cell phones that use GSM technology and phone services with GSM networks, and wireless/cell phones that use CDMA technology and phone services with CDMA networks, televisions and video programming, and computers and Internet services. In each of these cases,

⁶ Reply Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, California Coalition of Agencies Serving the Deaf and Hard of Hearing, and Hearing Loss Association of America, Docket Nos. 03-123 and 05-196, filed on August 25, 2008, at 10.

⁷ *Id.*

⁸ CSDVRS Petition at 3-4.

⁹ *Id.* at 4.

¹⁰ *Id.* at 4.

the product entity and service entity enjoy and maintain a cooperative but distinct division of obligations regarding the operation of the product and delivery of the service. Consumer Groups advocate for similarly interoperable telecommunications equipment, including videophones, to achieve functionally equivalent telecommunications services.

Petitioners' Recommendation

Petitioners recommend that the Commission revise its rules to provide the following choices to consumers who have received videophones from one VRS provider and choose another VRS provider as their default provider:

- (1) continuing to use those devices once they have ported their numbers to a new default provider, with the understanding that their routing information would continue to be provisioned to the central database by the original provider that supplied those devices (and with the understanding that those devices may not retain all of the enhanced features and functionalities managed by the provider that distributed those devices, and may not gain any future updates from that former provider), if these devices are used with a new default provider or
- (2) acquire a new device from their new default provider.¹¹

Consumer Groups note that these options and their related issues also arise when a consumer *applies* for a number from a VRS provider other than the VRS provider that supplied the videophone, *and* when a consumer subsequently selects (or *ports* their number to) a default VRS provider other than the VRS provider that supplied the videophone.

Consumer Groups believe that VRS providers that supply videophones should be required to make their videophone features and functionalities available to default VRS providers.

Consumer Groups also note that there are many factors – not just “enhanced features and functionalities” – that consumers consider when selecting videophones. For example, such factors

¹¹ *Id.* at 4-5.

include cost; ease of installation, set up, and use; location, size, and quality of the video image; portability and wireless capability; among others.

Consumer Education

Petitioners acknowledge and Consumer Groups agree that “[e]ducation should be provided to consumers to make them aware of these options.”¹² However, Consumer Groups are concerned that consumer education of this magnitude and complexity – using Petitioners’ own words – “is a task that is daunting at best, and one that would be impossible to complete by the FCC’s implementation date of December 31, 2008.”

For months, Consumer Groups, VRS providers, and others have discussed various options for the implementation of 10-digit NANP numbers and the delivery of E911 services. During that time, various means of provisioning a central database with routing information (matching a user’s current IP address to the user’s 10-digit NANP number) have been discussed. Those discussions did not extend to the ramifications presented in this Petition – that a consumer’s videophone “may not retain all of the enhanced features and functionalities managed by the provider that distributed those devices, and may not gain any future updates from that former provider.”

Consumers should be informed specifically, under option (1), whether the VRS provider who supplied the equipment and continues to get the routing information, will also get the consumer’s call history data. For example, consumer call history data may include information about incoming and outgoing calls, both calls through VRS and point-to-point calls, including but not limited to the 10-digit NANP numbers or IP addresses of either or both parties, and the date, time, and amount of time spent on the call. Under option (1), which VRS provider(s) will have or have access to consumer call history data? When a telephone user switches phone service

¹² *Id.* at 5.

providers, for example, from Verizon to AT&T, the user severs all ties with Verizon and Verizon has no access to any information about the user's calls from that point forward. Videophone users want the same result. If that is currently not technologically feasible, Consumer Groups reiterate here that the imposition of Customer Proprietary Network Information (CPNI) regulations on VRS providers must afford consumers with appropriate privacy protections.¹³

Consumers will need to be informed more specifically, under option (1), about how the user interface of their videophones may change, particularly with respect to placing outgoing calls through a VRS provider. Sorenson suggests that, today, "a VRS user must decide which provider to use and then manually select that provider – via a speed dial list or by dialing that provider – for each and every VRS call" and that the new default provider system will simplify this process.¹⁴ However, VRS provider supplied videophones today are configured with a shortcut that routes VRS calls to the VRS provider that supplied the videophone.¹⁵ The Numbering Order and Rule 64.611(e) could be read "to require that the device be reconfigured to *automatically* route an outgoing call through the default provider's network, and upon a change of preferred provider be reconfigured again to *automatically* route an outgoing call through the *new* default provider's network."¹⁶ While this is a result desired by Consumer Groups, achieving that result with existing VRS provider supplied videophones is problematic at best.¹⁷ Instead, when a consumer chooses a default VRS provider and uses a videophone supplied by another VRS provider, the videophone

¹³ See, generally, Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, California Coalition of Agencies Serving the Deaf and Hard of Hearing, and Hearing Loss Association of America, Docket Nos. 03-123 and 05-196, filed on August 8, 2008, at 24-33.

¹⁴ Opposition to CSDVRS Petition for Clarification of Sorenson, Docket Nos. 03-123 and 05-196, filed on August 25, 2008, at 3-4.

¹⁵ Reply to Sorenson Opposition to CSDVRS Petition for Clarification of GoAmerica, Inc., Docket Nos. 03-123 and 05-196, filed on September 5, 2008, at 3.

¹⁶ *Id.* at 4 (emphasis in original).

¹⁷ *Id.* at 4-6.

“should continue to work in the same basic manner as it works today,” but the consumer will not be able to use the videophone’s VRS call shortcut to reach his/her default VRS provider. Instead, unless appropriate action is taken, a consumer will need to dial and be connected to his/her default VRS provider CA to whom the consumer will provide the number to call.¹⁸

Consumers will also need to be informed more specifically, under option (1), about which “enhanced features and functionalities” (i.e., call history data, directory/address book, speed dial, video mail, etc.) are “managed by the provider that distributed those devices.” Of those features and functionalities, which will not be retained when a VRS provider other than the VRS provider that supplied the videophone is the designated default VRS provider? Which functions/features are implicated when a consumer with Videophone X, Videophone Y, or Videophone Z selects Provider X, Provider Y, or Provider Z? Will each of these possible combinations of Videophone and Provider have different results? Consumer Groups understand that, today, a user of a wireless/cell phone using GSM technology can change to another phone service GSM network provider and retain enhanced features and functions such as speed dial, address book, SMS settings, among other things. Consumer Groups urge the Commission to take the steps necessary toward functional equivalency through a common VRS protocol so consumers can obtain videophones from any source that they can use across VRS providers.

Even with the scope and complexity of the consumer education required to implement option (1) (regardless of who the default VRS provider is, the VRS provider who supplied the videophone obtains routing information and updates the central database), it is a plausible “solution.” However, if option (1) is permitted, Consumer Groups urge the Commission to permit it only on a temporary, interim basis. **VRS providers that supply videophones should be**

¹⁸ *Id.* at 7.

required to make their videophone features and functionalities available to default VRS providers.

The key criteria and the “real choice” between options (1) and (2) in the decision-making process of choosing a VRS default provider will likely be the availability, convenience, and retention of features/functions, however those are defined. *More importantly*, however, the choice of default VRS provider, under option (2), will likely be driven by other factors, such as videophone cost; ease of installation, set up, and use; location, size, and quality of the video image; portability and wireless capability; among others.

Petitioners’ recommendations highlight the reality that a consumer’s selection of default VRS provider will be driven – not by the quality of the relay service being delivered – but by a multitude of factors, including enhanced features and functions, which a VRS provider will deliver *only* through that provider’s videophone. In other words, if a consumer wants to change his/her default VRS provider, and retain and maintain enhanced features and functions, the consumer will also have to change his/her videophone, regardless of whether the consumer likes the videophone. In other words, a consumer’s choice of default VRS provider may be determined by factors wholly unrelated to the quality of relay services being delivered. The result is that a system designed to provide services is now focused on equipment and defeats functional equivalency in consumers’ choice of equipment and services.

Consumers want the ability to choose among videophones regardless of their choice of default VRS provider. This is not likely to happen when videophones are not “interoperable.” As such, Consumer Groups reiterate here their position:

Consumer Groups urge the Commission to allow all consumers and providers to do what needs to and can be done . . . to ensure that routing information is directed to the user's

default provider. . . . At the same time, Consumer Groups urge the introduction of video communications equipment that can be programmed for use with any VRS provider the consumer may choose as a default provider.¹⁹

Conclusion

Consumers want their choice of videophone to work (routing information to default provider, basic and enhanced features and functions) with any default VRS provider they choose.

Consumer Groups thank the Commission for the opportunity to submit these comments in response to the Petition for Reconsideration and Clarification filed by CSDVRS, LLC, GoAmerica, Inc., Viable, Inc., and Snap Telecommunications, Inc.

Respectfully submitted,

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¹⁹ Reply Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, California Coalition of Agencies Serving the Deaf and Hard of Hearing, and Hearing Loss Association of America, Docket Nos. 03-123 and 05-196, filed on August 25, 2008, at 10.

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